45

S.B. CIVIL MISC. APPEAL NO.1664/2007.
Bhanushanker Vs. Tej Singh & Anr.

Date of Order :: 23rd July 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. M.L. Khatri, for the appellant.
Mr. U.C.S. Singhvi, for the respondent-insurer.

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BY THE COURT:

In view of the short question involved, and at the request of the learned counsel for parties, the matter has been heard finally at this stage.

For the loss suffered by the claimant-appellant due to the injuries sustained in a vehicular accident, the Tribunal has noticed three simple and one grievous injuries on the person of the appellant; has also noticed the bills of medical expenditure in the sum of Rs.3,084/-; and in the overall circumstances of the case has awarded compensation in a lump sum of Rs.10,000/-. However, the Tribunal has proceeded to allow interest @ 6% per annum on the award amount from the date of award.

The claimant-appellant has preferred this appeal assailing the award aforesaid being too low and inadequate. However, learned counsel for the appellant in all fairness confined his submissions that even if the principal amount of compensation as awarded by the Tribunal is retained, the

proposition of allowing interest only from the date of award is contrary to the requirements of Section 171 of the Motor Vehicles Act and with reference to the decision of this Court in the case Rajiv Vs. Sumer Singh (S.B. Civil Misc. Appeal No.833/2006 decided on 18.12.2006) has argued that the Tribunal ought to have awarded interest from the date of filing of the claim application. Learned counsel appearing for the respondent-insurer though supported the impugned award but could not dispute that the Tribunal has allowed interest contrary to the requirements of Section 171 of the Act and the proposition as laid down in Rajiv Vs. Sumer Singh's case (supra).

Having examined the award impugned in its totality, this Court is satisfied that there has not been any reason with the Tribunal for which the claimant has been deprived of the reasonable amount of *pendente lite* interest; and the proposition in the impugned award of allowing interest only from the date of award deserves to be set aside and the claimant-appellant deserves to be allowed interest from the date of filing of the claim application.

In view of the aforesaid, this appeal is partly allowed; while the award of compensation on its principal amount is maintained, the proposition of restricting interest only from the date of award stands modified and the claimant-appellant is

allowed interest @ 6% per annum from the date of filing of claim application. It shall be required of the respondent-insurer to deposit the remaining amount now payable under the modified award within 30 days. No costs.

(DINESH MAHESHWARI), J.

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